

Case 2:03-cv-00348-JAM-DAD Document 191 Filed 06/09/2010 Page 1 of 3

1 FRANK R. RECKER, ESQ. (Pro Hac Vice)
2 FRANK R. RECKER & ASSOCIATES CO., L.P.A.
3 1850 San Marco Road, Suite A
Marco Island, FL 34145-3014
4 Phone: 239.642.4704
Fax: 239.642.5238

5 ANN TAYLOR SCHWING, ESQ. (#91914)
McDONOUGH HOLLAND & ALLEN PC
6 Attorneys at Law
500 Capitol Mall, 18th Floor
Sacramento, CA 95814
7 Phone: 916.444.3900
Fax: 916.444.3249

8 Attorneys for Plaintiffs

9 EDMUND G. BROWN JR., Attorney General
10 of the State of California
11 ARTHUR D. TAGGART
12 Lead Supervising Deputy Attorney General
JEFFREY M. PHILLIPS, State Bar No. 154990
13 Deputy Attorney General
California Department of Justice
14 1300 I Street, Suite 125
P.O. Box 944255
15 Sacramento, CA 94244-2550
Telephone: (916) 324-6292
Facsimile: (916) 327-8643
16 Attorneys for Defendants

17

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

20
21 MICHAEL L. POTTS, D.D.S., and THE) Case No. Civ. S-03-0348 JAM DAD
22 AMERICAN ACADEMY OF IMPLANT)
DENTISTRY,)
23 Plaintiffs,)
24 v.)
25 BRIAN STIGER, in his Official Capacity as)
Director, California Department of Consumer)
Affairs, et al.,)
26 Defendants.)
27
28

Stipulation and Order re: Evidence in
Support of Pending Motions for Summary
Judgment/ Summary Adjudication

Date: 07/07/10
Time: 9:00 a.m.
Courtroom: 6 – 14th Floor
Judge John A. Mendez
Trial Date Vacated
Action Filed: February 25, 2003

FILED

JUN 14 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
By _____
DEPUTY CLERK

1 Plaintiffs Michael L. Potts, D.D.S., and The American Academy of Implant Dentistry
2 ("AAID") (collectively "plaintiffs"), and Brian Stiger, Director, California Department of Consumer
3 Affairs, and individually named members of the California Dental Board (sued only in their official
4 capacity) (collectively "defendants") hereby respectfully submit the following Stipulation and Order
5 regarding the admission of certain documents into evidence for the hearing on the Motions for
6 Summary Judgment/ Summary Adjudication set for July 7, 2010.

7 The parties agree that all documents filed after the discovery cut-off of December 1, 2003,
8 but submitted in support of and in opposition to the Cross-Motions for Summary Judgment that was
9 heard in this matter previously on or about March 10, 2004, may be relied upon by this court in the
10 pending Motions for Summary Judgment/ Summary Adjudication set for July 7, 2010, subject to any
11 challenges to admissibility under the Federal Rules of Evidence. Defendants withdraw their motion
12 to strike the Declarations of Armstrong and Stokes based on their filing date.

13 Furthermore, defendants withdraw their Evidentiary Objection and Motion to Strike the
14 Declaration of plaintiff Michael L. Potts, D.D.S. dated March 25, 2010 ("Potts II Declaration")
15 [Docket No. 169] and Declaration of Sharon Bennett dated March 30, 2010, with attached exhibits,
16 on the grounds that they filed after the discovery cut-off. [Docket No. 168].

17 //

18 //

19 //

20

21

22

23

24

25

26

27

28

Case 2:03-cv-00348-JAM-DAD Document 191 Filed 06/09/2010 Page 3 of 3

1 All Declarations filed in support or in opposition to the pending Motions for Summary
2 Judgment/ Summary Adjudication currently set for July 7, 2010, may be considered, subject to any
3 challenges to admissibility under the Federal Rules of Evidence.

4

5 DATED: June 9, 2010

6 FRANK R. RECKER
7 FRANK R. RECKER & ASSOCIATES CO.,
L.P.A.

8 and

9 McDONOUGH HOLLAND & ALLEN PC
10 Attorneys at Law

11 By: /s/
12 ANN TAYLOR SCHWING
13 Attorneys for Plaintiffs

14 and

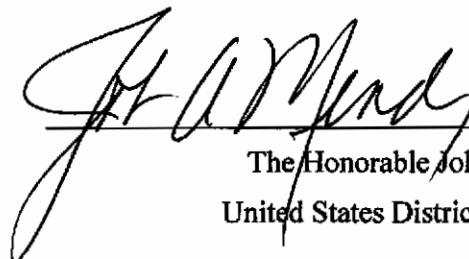
15 EDMUND G. BROWN, JR.
16 Attorney General of the State of California

17 By: /s/
18 JEFFREY M. PHILLIPS
19 Deputy Attorney General
20 Attorneys for Defendants

21 **ORDER**

22 After considering the stipulation by the parties, and good cause appearing, it is so ordered.

23 Dated: 6/10/2010



24 The Honorable John A. Mendez
25 United States District Court Judge